



812 Hwy. 101 NASONWORTH
FREDERICTON, NEW BRUNSWICK
CANADA E3C 2B5

MARIO D. THERIAULT & COMPANY

PATENT AGENT SERVICES

TEL.: (506) 450-3788
1-800-737-8788
FAX.: (506) 450-3735

E-MAIL: MARIO@NBNET.NB.CA • INTERNET: [HTTP://WWW.PATENTWAY.COM](http://www.PATENTWAY.COM)



In the United States Patent & Trademark Office

In re Patent of

Steven W. Michell et al.

Patent No: 5,946,995

Issued: September 7, 1999

For: Method and Apparatus for Curve Sawing or Traverse Edging With an Active Sawbox

April 14, 2004

SUBMISSION OF PRIOR ART UNDER 37 CFR 1.501

Hon. Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop Ex Parte Reexam
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202
USA

Hon. Commissioner:

The undersigned herewith submits in the above identified patent the following prior art, including copies thereof, which is pertinent and applicable to the Michell et al. patent and is believed to have a bearing on the patentability of claims 1 and 14 thereof:

The IDC Publication, 1989

"Electric Linear Actuators & Controls", by author unknown, Published by Industrial Devices Corporation, Novato, California, 1989.

This document discloses linear actuators and controls therefor for precisely controlling the position and movement of machine elements. On the introduction page in particular, it is taught that these linear actuators are compatible with computers and programmable controllers and are ideal for programmed manufacturing systems. The D Series In-line Configuration cylinders described in this publication are similar to the Temposonic™

cylinders illustrated as (56a - 56d) in FIG. 3 of the Michell et al. patent. The D Series In-line Configuration cylinders are also similar to the cylinders on the setworks of Cannaday. The controls described in this documents have the capability to control the position, velocity, acceleration, and deceleration of the machine element attached to one of the mentioned linear actuators.

It is believed that this document has bearing on the patentability of claims 1 and 14 of the Michell et al. patent.

US 2,149,235 issued to **C. Stone** on February 28, 1939

This patent discloses a setworks for sawmill edgers, comprising saw guides mounted on individual guide rods extending parallel to the saw arbor.

US 3,093,168 issued to **V.L. Colt et al.** on June 11, 1963.

This document discloses a setworks for sawmill edgers. The saw guides are positioned by linear actuators. Electrical sensors are provided to monitor the position of the saw guides. If one saw guide is moved, the other saw guides are automatically adjusted to maintain a preset spacing between the saws.

It is believed that this document has bearing on the patentability of claims 1 and 14 of the Michell et al. patent.

US 3,742,796 issued to **J.R. McMillan** on July 3, 1973.

This document discloses a mechanism to move a cluster of saws along the arbor of an edger. One of the saws in the cluster is referred to as a boss saw. The axial movement of the boss saw moves the whole cluster without alteration of spacing between the saws, such that all the saws move in unison. For this purpose, the linear actuators are interconnected by tie bars (enclosing the ends and sides of the actuators, not labeled).

It is believed that this document has bearing on the patentability of claims 1 and 14 of the Michell et al. patent.

US 4,188,544 issued to **L.H. Chasson** on February 12, 1980.

This document discloses an edger system for scanning a 3-dimensional workpiece and for controlling a pair of saws. (Col. 5, lines 16-19) "The arrangement permits scanning of stationary boards or those moving both transversely and longitudinally with respect to the board's major axis". (Col. 6, lines 4-6) "The control signals will typically include an instruction as to saw position, and in some cases, saw angle". (Col. 8, lines 10-16) "The data processor outputs are lateral dimension commands to the saw controls, causing the saw blades to move laterally so as to cut in accordance with the data processor's computation of the optimum cutting solution". (Col. 10, lines 3-6) "The invention thus described provides for the continually accurate sensing of workpieces in a scanning system and the continually

accurate processing of workpieces in a workpiece processing environment". In FIG. 8, the saws are guided for lateral movement along the shaft. The teachings at Col. 5, suggests that the board is not aligned along the axis of the edger, but can be skewed, and consequently, the document suggests that the saw spacing is translated in unison along the shaft as the board moves through the edger.

It is believed that this document has bearing on the patentability of claims 1 and 14 of the Michell et al. patent.

US 4,359,677 issued to **J.D. Dennon** on November 16, 1982.

This document discloses an electrically-operated linear actuator for adjusting saw guides or other sawmill machine elements.

US 4,475,422 issued to **K.T. Lawson** on October 9, 1984.

This document discloses a machine for cutting strip of material. The machine has a pair of cutters mounted on a base that is pivotally mounted on a sub-base. The cutters are movable angularly about a vertical axis and sideways across the path of the strip of material to be cut. Both cutters are movable in unison to cut curves and straight lines according to a computer-generated profile, as illustrated in FIG. 4. The patent describes a method to maintain both cutters parallel during steering. This patent is classified in class and subclass 83/368, entitled: Cutting; Positioning of Tools Controlled by Detector Means Responsive to Work". The Michell et al. patent is also classified in the same classification. Therefore, it is respectfully submitted that this patent is applicable prior art.

It is believed that this document has bearing on the patentability of claims 1 and 14 of the Michell et al. patent.

US 4,702,134 issued to **A.J. Corley III** on October 27, 1987.

This patent discloses the use of a Temposonic TM saw servo positioner (60) to position the saws in an edger. (col. 7, lines 48-51, and FIG. 6).

CA 567,994 issued to **P.N. Bland** on December 23, 1958.

This document discloses a setworks for sawmill edger comprising parallel rigid saw guides mounted to a plurality of rods that are parallel to the saw arbor. The rods are actuated by hydraulic cylinders.

CA 652,235 issued to **G. F. Scheelke** on November 13, 1962.

This document discloses a setworks for sawmill edger. The setworks comprises parallel rigid saw guides mounted to a plurality of rods, that are themselves parallel to the saw arbor.

Not all the documents cited above have been associated with one or more specific claims of the Michell et al. patent. These additional documents are nonetheless submitted herewith to determine

a level of ordinary skill in the art of certain aspects of the Michell et al. method and apparatus. In that regard,

the **Stone, Bland and Scheelke** patents are submitted herewith to show that the structure of a networks for sawmill edger, wherein this structure comprises parallel rigid saw guides mounted on guide rods that are parallel to the saw arbor and are actuated by linear actuators, is well known in the art.

Similarly, the **Dennon and Corley III** patents are submitted herewith to show that the positioning of saw guides using a computer and a Temposonic™ or a similar servo-actuator is also a method and a system that are well known in the art.

The prior art listed above was not of record in the file of the Michell et al. patent. These prior art references disclose various features claimed in the Michell et al. patent. It is believed that should these references had been of record at the time the Michell et al. application was examined, the claims 1 and 14 of the Michell et al. application would have been rejected for being obvious to the person of ordinary skills in the art.

Therefore the prior art listed above is considered relevant prior art printed publication applicable to the Michell et al. patent.

Respectfully submitted,



Mario Theriault, P.Eng.

Reg. no. 40,368

Patent Agent

Certificate of Service

I hereby certify on this 14th day of April 2004, that a true and correct copy of the foregoing
"Submission of Prior Art" was mailed by Federal Express courier, postage paid, to:

Anthony C. Edwards
1708 Dolphin Avenue, Suite 800
Kelowna, British Columbia
Canada V1Y 8C7

Tel: 250-861-4022



Mario Theriault, P.Eng.
Patent Agent
Reg. 40,368



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO		Complete if Known		
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>		Patent	5,946,995	
		Filing Date	Sept. 9, 1997	
		First Named Inventor	S. W. Michell	
		Art Unit	3725	
		Examiner Name	W. Donald Bray	
Sheet	one	of	two	
			Attorney Docket Number	24098

U. S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

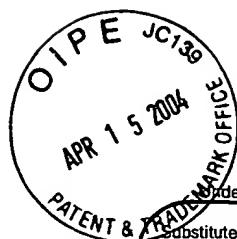
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		CA 567,994	12-23-1958	P.N. Bland	entire document	<input checked="" type="checkbox"/>
		CA 652,235	11-13-1962	G.F. Scheelke	entire document	<input checked="" type="checkbox"/>

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

¹EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



PTO/SB/08B (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449BTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

two

of

two

Attorney Docket Number

Complete if Known

Patent	5,946,995
Filing Date	Sept. 9, 1997
First Named Inventor	S.W. Michell
Art Unit	3725
Examiner Name	W. Donald Bray
Attorney Docket Number	24098

NON-PATENT LITERATURE DOCUMENTS

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.